



**City of
Norfolk**
Office of the City Manager

C: ACM Stein

October 3, 2006

To the Honorable Council
City of Norfolk, Virginia

Re: Zoning Ordinance Amendment – Section
12-8, "Restoration or removal of
nonconforming structures".

Ladies and Gentlemen:

I. **Recommended Action:** Schedule public hearing.

II. **Overview**

This agenda item is to permit a Zoning Ordinance Amendment to Amend Chapter 12, Nonconformities, Section 12-8, "Restoration or removal of nonconforming structures" so as to permit the reconstruction of certain residential and commercial buildings destroyed by a natural disaster.

III. **Analysis**

A. **General**

The General Assembly approved House Bill 78 during the 2006 session. The bill set forth time frames in which nonconforming structures could be rebuilt. Reconstruction of buildings located within an area covered by a federal disaster declaration must be completed within four years of the destructive event. If there is no declaration of a federal disaster the reconstruction shall be completed within two years of the destructive event.

B. **Fiscal**
N/A.

C. **Environmental**

Upon review of the Department of Planning, it was determined that there will be no environmental impact.

D. Community Outreach/Notification

In accordance with the Norfolk City Charter and Virginia state law, a public hearing is required for this item. Notification for this item will be conducted through the City of Norfolk's agenda notification process.


IV. Board/Commission Action

By a 6 to 0 vote, the Planning Commission recommends that these text amendments be **approved**. The amendments will bring the Zoning Ordinance in compliance with state legislation.

V. Conclusion

It is recommended that the City Council approve the ordinance as presented.

Respectfully submitted,


Regina V.K. Williams
City Manager

Coordination/Outreach

This letter has been coordinated with the Department of Planning and Community Development and the City Attorney's Office.

9/14/06 trr

Form and Correctness Approved:

Contents Approved:

By

Office of the City Attorney

NORFOLK, VIRGINIA

By

DEPT.

ORDINANCE No.

AN ORDINANCE TO AMEND AND REORDAIN SECTIONS OF THE ZONING ORDINANCE OF THE CITY OF NORFOLK, 1992, SO AS TO PERMIT THE RECONSTRUCTION OF CERTAIN RESIDENTIAL AND COMMERCIAL BUILDINGS DESTROYED BY A NATURAL DISASTER.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That section 12-8 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), is hereby amended and reordained so as to modify the rules under which nonconforming structures must be removed or may be restored, in order to remain in compliance with state law. The text shall read as forth in "Exhibit A," attached hereto, which modifies the text of sections 12-8.1 and 12-8.2 and strikes section 12-8.3 in its entirety.

Section 2:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT

Exhibit A (2 pages)

Exhibit A

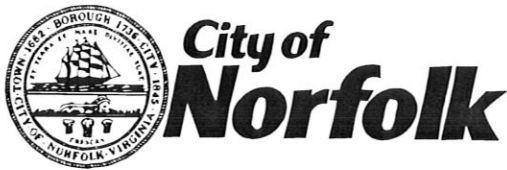
12-8 Restoration or removal of damaged nonconforming structures.

12-8.1 *Restoration.* If a nonconforming structure is destroyed or damaged by a fire, flood, hurricane, vandalism, or similar abnormal and identifiable event, and the cost of restoring the structure to its condition immediately prior to the event does not exceed 50 percent of the current assessed value of the entire structure, then the structure may be restored to its original nonconforming condition, provided that a building permit is secured, reconstruction is started within 180 days from the date of the damage, and such reconstruction is diligently prosecuted to completion. The building official shall determine the cost of restoration.

12-8.2 *Removal.*

- (a) If a nonconforming structure is destroyed or damaged by a fire, vandalism, or similar abnormal and identifiable event, and the cost of restoring the structure to its condition immediately prior to the event exceeds 50 percent of the current assessed value of the entire structure, then the structure shall be removed unless the restored structure, and the use thereof, would conform to all requirements of the Zoning District in which it is located.
- (b) If a nonconforming structure is destroyed or damaged by a natural disaster or act of God and the cost of restoring the structure to its condition immediately prior to the event exceeds 50 percent of the current assessed value of the entire structure, and such building cannot be reconstructed in any manner other than to restore it to its original nonconforming condition, the structure may be reconstructed without the need to acquire any variance, provided that:
 - (i) Where the destructive event results in conditions which give rise to a federal disaster declaration and the structure is located within the area covered by the declaration, the reconstruction must be completed within four years of the destructive event.

- (ii) Where subparagraph (i) does not apply, the reconstruction shall be completed within two years of the destructive event.
- (iii) Any reconstruction must comply with all applicable building codes and flood plain regulations.



Inter Department Correspondence Sheet

TO: City Manger

FROM: City Planning Commission

COPIES TO:

SUBJECT: Application for a Change of Zoning (19 P.H. 24 Aug 2006)

PART 1: APPLICATION DESCRIPTION:

Nature of Application: To amend the City of Norfolk Zoning Ordinance, 1992, as amended, by amending Chapter 12, Nonconformities, Section 12-8, "Restoration or removal of nonconforming structures" so as to permit the reconstruction of certain residential and commercial buildings destroyed by a natural disaster. The purpose of the amendment is to advance good planning practices.

Applicant: City of Norfolk

Description of proposed amendment:

During their 2006 session the state legislature approved House Bill 78. The Bill set forth time frames in which nonconforming structures could be rebuilt. Where a destructive event results in conditions which give rise to a federal disaster declaration and the structure is located within the area covered by the declaration, the reconstruction must be completed within four years of the destructive event. If there is no declaration of a federal disaster the reconstruction shall be completed within two years of the destructive event.

The proposed amendments are as follows:

PROPOSED TEXT

12-8 Restoration or removal of damaged nonconforming structures.

12-8.1 *Restoration.* If a nonconforming structure is destroyed or damaged by a fire, flood, hurricane, vandalism, or similar abnormal and identifiable event, and the cost of restoring the structure to its condition immediately prior to the event does not exceed 50 percent of the current assessed value of the entire structure, then the structure may be restored to its original nonconforming condition, provided that a building permit is secured, reconstruction is started within 180 days from the date of the damage, and such reconstruction is diligently prosecuted to completion. The building official shall determine the cost of restoration.

12-8.2 *Removal.*

(a) If a nonconforming structure is destroyed or damaged by a fire, flood, hurricane, vandalism, or similar abnormal and identifiable event, and the cost of restoring the structure to its condition immediately prior to the event exceeds 50 percent of the current assessed value of the entire structure, then the structure shall be removed unless the restored structure, and the use thereof, would conform to all requirements of the Zoning District in which it is located.

(b) If a nonconforming structure is destroyed or damaged by a natural disaster or act of God and the cost of restoring the structure to its condition immediately prior to the event exceeds 50 percent of the current assessed value of the entire structure, and such building cannot be reconstructed in any manner other than to restore it to its original nonconforming condition, the structure may be reconstructed without the need to acquire any variance, provided that:

(i) Where the destructive event results in conditions which give rise to a federal disaster declaration and the structure is located within the area covered by the declaration, the reconstruction must be completed within four years of the destructive event.

(ii) Where subparagraph (i) does not apply, the reconstruction shall be completed within two years of the destructive event.

(iii) Any reconstruction must comply with all applicable building codes and flood plain regulations.

~~12-8.3 *State of emergency declaration.* In the event that a state of emergency is declared by the President of the United States or the Governor of the Commonwealth of Virginia, nonconforming structures damaged to an extent that the cost of restoring the structure to its condition immediately prior to the event exceeds 50 percent of the current assessed value of the entire structure may be restored to its original condition without conforming to current regulations on yards, height limitations or parking regulations. In no case shall the degree of nonconformity existing at the time of the state of~~

~~emergency be increased. All other zoning regulations including but not limited to, use restrictions, density provisions and flood plain regulations shall apply.~~

PART 3: RECOMMENDATION:

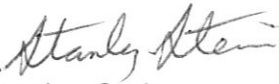
The Planning Commission recommends (by a 6 to 0 vote) recommends that these text amendments be approved. The amendments will bring the Zoning Ordinance in compliance with state legislation.

Proponents:

None

Opponents:

None


Stanley Stein
Acting Executive Secretary

Attachments